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Dated: January 22, 2004

Signature

(Annette Devereux)

Docket No.: HO-P02514US2  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Michael D. Schneider et al.

Application No.: 10/609,073

Confirmation No.:

Filed: June 27, 2003

Art Unit: N/A

For: MODULATORS OF CDK9 AS A  
THERAPEUTIC TARGET IN CARDIAC  
HYPERTROPHY

Examiner: Not Yet Assigned

**INFORMATION DISCLOSURE STATEMENT (IDS)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

A copy of each reference on the PTO/SB/08 is attached.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

Application No.: 10/609,073

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It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 06-2375, under Order No. HO-P02514US2. A duplicate copy of this paper is enclosed.

Dated: January 22, 2004

Respectfully submitted,

By 

Melissa W. Acosta

Registration No.: 45,872

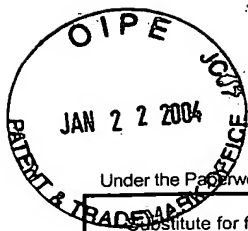
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PTO/SB/08A (10-01)

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/609,073
				Filing Date	June 27, 2003
				First Named Inventor	Michael D. Schneider
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	1	of	2	Attorney Docket Number	HO-P02514US2

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	AA	US-6043254	03-28-2000	Grell et al.	
	AB	US-5604251	02-18-1997	Heitsch et al.	
	AC	US-6399633	06-04-2002	Dumont et al.	
	AD	US-6201165	03-13-2001	Grant et al.	

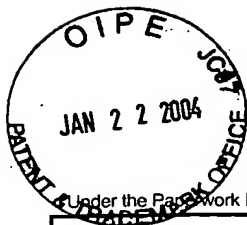
FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	BA	WO-9833791-A1	08-06-1998	Bristol-Myers Squibb Company		
	BB	WO-0113900-A2	03-01-2001	Medicure, Inc.		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See attached Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	CA	Abdellatif et al, "A Ras-Dependent Pathway Regulates RNA Polymerase II Phosphorylation in Cardiac Myocytes: Implications for Cardiac Hypertrophy," Molecular and Cellular Biology, November 1998, pp. 6729-6736.	
	CB	Adams et al, "Enhanced Gq Signaling: A Common Pathway Mediates cardiac Hypertrophy and Apoptotic Heart Failure," Proc. Natl. Acad. Sci. USA, Vol. 95, August 1998, pp. 10140-10145.	
	CC	Akhtar et al., "Distinct Activated and Non-Activated RNA Polymerase II Complexes in Yeast," The Embo Journal Vol. 15 No. 17, 1996, pp. 4654-4664.	
	CD	Bueno et al, "The MEK1-ERK1/2 Signaling Pathway Promotes Compensated Cardiac Hypertrophy in Transgenic Mice" The EMBO Journal Vol. 19 No. 23, 2000, pp. 6341-6350.	
	CE	Cho et al, "A Protein Phosphate Functions to Recycle RNA Polymerase II," Genes & Development Vol. 13, 1999, pp. 1540-1552.	
	CF	Chao et al, "Flavopiridol Inhibits P-TEFb and Blocks HIV-1 Replication," The Journal of Biological Chemistry Vol. 275, No. 37, September 15, 2000, pp. 28345-28348.	
	CG	Chao et al, "Flavopiridol Inactivates P-TEFb and Blocks Most RNA Polymerase II Transcription in Vivo," The Journal of Biological Chemistry Vol. 276, No. 34, August 24, 2001, pp. 31793-31799.	
	CH	Dahmus, Michael. "Reversible Phosphorylation of the C-terminal Domain of RNA Polymerase II," The Journal of Biological Chemistry Vol. 271, No. 32, August 9, 1996, pp. 19009-19012.	
	CI	Dietz et al., "Improvement of Cardiac Function by Angiotensin converting Enzyme Inhibition: Sites of Action," Circulation 1993; 87 [suppl IV]: IV-108-IV-116.	
	CJ	Esposito et al, "Genetic Alterations that Inhibit In Vivo Pressure-Overload Hypertrophy Prevent Cardiac Dysfunction Despite Increased Wall Stress," Circulation 2002; 105, pp 85-92.	
	CK	Fu et al, "Cyclin K Functions as a CDK9 Regulatory Subunit and Participates in RNA	

Examiner Signature		Date Considered	
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PTO/SB/08A (10-01)

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Substitute for form 1449A/PTO		<b>Complete if Known</b>	
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		Filing Date	June 27, 2003
		First Named Inventor	Michael D. Schneider
		Art Unit	N/A
		Examiner Name	Not Yet Assigned
		Attorney Docket Number	HO-P02514US2
Sheet	2	of	2

		Polymerase II Transcription," The Journal of Biology Chemistry Vol. 274 No. 49, December 3, 1999, pp. 34527-34530.	
	CL	Laporte et al, "Neointima Formation After Vascular Injury is Angiotensin II Mediated," Biochemical and Biophysical Research Communications Vol. 187 No. 3, September 30, 1992, pp. 1510-1516.	
	CM	Majello et al, "Control of RNA Polymerase II Activity by Dedicated CTD Kinases and Phosphatases," Frontiers in Bioscience 6, October 1, 2001, pp. 1358-1368.	
	CN	Molkentin et al., "Cytoplasmic Signaling Pathways that Regulate Cardiac Hypertrophy," Annu. Rev. Physiol. 63, 2001, pp. 391-426.	
	CO	Nguyen et al, "7SK Small Nuclear RNA binds to and Inhibits the Activity of CDK/(Cyclin T Complexes," Nature Vol. 414, November 15, 2001, pp. 322-325.	
	CP	Oh et al, "Telomerase Reverse Transcriptase Promotes Cardiac Muscle Cell Proliferation, Hypertrophy, and Survival," PNAS Vol. 98, No. 18, August 28, 2001, pp. 10308-10313.	
	CQ	Orphanides et al, "A Unified Theory of Gene Expression," Cell Vol. 108, February 22, 2002, pp. 439-451.	
	CR	Sano et al, "Cyclins That Don't Cycle: Cyclin T/Cyclin-Dependent Kinase-9 Determines Cardiac Muscle Cell Size," Cell Cycle 2:2, March/April 2003, pp. 99-104.	
	CS	Sano et al, "Activation and Function of Cyclin T-Cdk9 (positive transcription elongation factor-b) in Cardiac Muscle-Cell Hypertrophy," Nature Medicine Vol. 8, No. 11, November 2002, pp. 1310 - 1317.	
	CT	Shioi et al, "Akt/Protein Kinase B Promotes Organ Growth in Transgenic Mice," Molecular and Cellular Biology, April 2002, pp. 2799-2809.	
	CU	Shioi et al, "The conserved Phosphoinositide 3-Kinase Pathway Determines Heart Size in Mice," The EMBO Journal Vol. 19, No. 11, 2000, pp. 2537-2548.	
	CV	Yang et al, "The 7SK Small Nuclear RNA Inhibits the CDK9/Cyclin T1 Kinase to Control Transcription," Nature Vol. 414, November 15, 2001, pp. 317-321.	
	CW	Zhang, et al, "TAK1 is activated in the myocardium after pressure overload and is sufficient to provoke heart failure in transgenic mice," Nature Medicine Vol. 6 No. 5, May 2000, pp. 556-563.	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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